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Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Petition For Rulemaking
Temecula, California

Dear Mr. Caton:

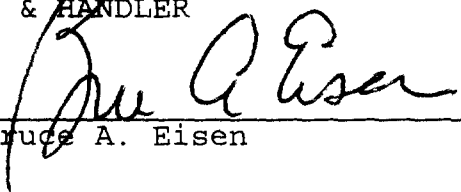
On behalf of BEXT, Inc. there is transmitted herewith a
Petition For Rulemaking to assign Channel 277A to the community
of Temecula, California.

Should any questions arise with regard to this matter,
kindly communicate directly with this office.

Respectfully submitted,

KAYE, SCHOLER, FIERMAN, HAYS
& HANDLER

By:


Bruce A. Eisen

Enclosure

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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In the Matter of)
)
Amendment of Section 73.202(b))
FM Table of Allotments)
Temecula, California)

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MAY 22 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

To: Chief, Policy and Rules Divisions

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PETITION FOR RULE MAKING

BEXT, Inc. ("BEXT"), hereby respectfully requests the Commission to amend Section 73.202(b) of the its Rules, the FM Table of Allotments, and to thereby assign FM Channel 277A at Temecula, California. In support thereof, the following is shown:

Temecula, California does not presently have an operational local commercial FM broadcast service,¹ although a pending comparative hearing in MM Docket No. 91-309, will likely result in the grant of a construction permit for a new FM broadcast station to operate on Channel 233A at that community.

Temecula is located in Riverside County, approximately 75 miles southeast of Los Angeles. It had a 1990 population of 27,099,² representing a phenomenal increase over the 1980

¹ Non-commercial Station KRTM(FM) is licensed to Temecula and operates on Channel 205A.

² 1980 Census of Population, U.S. Department of Commerce.

population of 1,783.³ The Temecula Valley Chamber of Commerce has estimated the 1994 population at 37,000 and projects a population of 48,100 by 1997.⁴ Temecula has been a city since December 1, 1989. It is governed by a city manager, and has its own police and fire departments.

Attached hereto is a channel allocation study which demonstrates the feasibility of operating on Channel 277A from the proposed reference coordinates. In so doing, the new FM broadcast service would place the required minimum city grade field strength signal over the entire community. Moreover, the channel can be allocated without requiring any other changes in the Table of Allotments.

BEXT, Inc. hereby declares its intention to apply for a construction permit for Channel 277A at Temecula, California as soon as the Commission grants the instant Petition and announces a filing window for applications proposing the channel.

Good cause has been demonstrated for the grant of this Petition. The public interest will be served by a new local transmission service at this high growth community, and the allocation proposing this new service can be assigned without any technical constraints.

³ 1990 Census of Population, U.S. Department of Commerce.

⁴ Economic and Community Profile, 1994, Temecula Valley Chamber of Commerce.

In light of the foregoing, it is respectfully requested that the FM Table of Allotments be amended as follows:

<u>COMMUNITY</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Temecula, CA	Channel 233A	Channel 233A, Channel 277A

Respectfully submitted,

BEXT, INC.

By:



Bruce A. Eisen, Esq.

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May 22, 1995

GALLAGHER & ASSOCIATES

CONSULTING RADIO ENGINEERS

HAGERSTOWN, MD

ORIGINAL

**ENGINEERING STATEMENT
IN SUPPORT OF A
PETITION FOR RULEMAKING
TO ADD FM CHANNEL 277A
TO TEMECULA, CALIFORNIA**

This engineering statement was prepared on behalf of BEXT, Inc., to accompany a Petition for Rulemaking to amend the Table of Allotments of FM channels, Section 73.202(b) of the FCC Rules, to add FM Channel 277A (103.3 MHz) to Temecula, California. This channel can be allotted to Temecula without requiring any other changes in the Table of Allotments. There is one commercial channel (233A) presently allotted to Temecula, and there are seven pending applications proposing operation on this channel. This rulemaking would therefore change the Table of Allotments for Temecula as follows:

Temecula, California: Present: 233A Proposed: 233A, 277A

The 1990 Census reports the population of Temecula, California, as 27,099 persons, and that it is located in Riverside County (pop. 1,170,413). There are no AM stations presently assigned to Temecula.

Figure 1, attached hereto, is a listing of the nearest stations and/or assignments on channels pertinent to the use of Channel 277A at Temecula, California. The geographic coordinates used for compiling Figure 1 are Latitude 33° 29' 36", Longitude 117° 08' 54", and are the coordinates of Temecula as listed in the National Atlas. Thus, the assignment of Channel 277A at Temecula could be made with no restrictions. The 60 dBu (1 mV/m) contour of a class A station with maximum transmitting facilities at the above reference point would encompass a population of 338,972 persons in an area of 2457 square kilometers.

I, Charles I. Gallagher, certify under penalty of perjury that this engineering statement and the associated exhibit have been prepared by me or under my direct supervision. I further state that I am a Consulting

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Page 2

Radio Engineer, and a Registered Professional Engineer in the State of Maryland, Registration No. 11415, that my qualifications are a matter of record with the Federal Communications Commission, having been presented on previous occasions. The contents of this Engineering Statement are true and correct to the best of my knowledge, information and belief.

Charles I. Gallagher

Charles I. Gallagher

April 10, 1995

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Database: FCC 2/95

COMPUTERIZED SEPARATIONS STUDY

TENECULA, CALIFORNIA

Reference Point: 33° 29' 36" 117° 08' 54"

BASED ON SEPARATIONS IN SECTION 73.207

Channel No. 277 as a Class A

CALL	LOCATION	STATUS	FILE NUMBER	CHANNEL	ERP	HAAT	AZM.	DIST.	REQ'D	CLEAR
KBCD	NEWPORT BEACH, CA	LIC	BLH-4773	276A	2.00	91	282.1	74.9	72	2.9
KBCD	NEWPORT BEACH, CA	APP c	BPH-911010IH	276A	3.3	91	282.1	74.9	72	2.9
KCLXFM	SAN DIEGO, CA	LIC	BLH-880729KA	275B	32d	188	187.3	73.0	69	4.0
KJQY	SAN DIEGO, CA	LIC c	BLH-5061	279B	36	177	187.4	73.2	69	4.2
KOST	LOS ANGELES, CA	LIC c	BLH-930831KD	278B	12.5	949	314.0	117.4	113	4.4
KEZN	PALM DESERT, CA	LIC	BLH-831020AA	276A	0.64	180	57.9	78.2	72	6.2
XHVGM	MEXICALI, BN	-	-	277B	14.6	56	120.3	184.1	178*	6.1
ALLOC	MEXICALI, BN	-	-	277B			120.3	184.1	178*	6.1
ALLOC	ENSENADA, BN	-	-	277B			165.1	188.3	178*	10.3

Note: Distances are in kilometers

* AS CLASS AA

This report contains information compiled from a commercial data base service. Gallagher & Associates believes the service to be an accurate and current source of information. However, Gallagher & Associates shall not assume responsibility for erroneous or incomplete information in this report.